

AN ORDINANCE TO AMEND CHAPTER 15, ARTICLE 2 OF THE TOWN CODE OF
SILVERTON, COLORADO

WHEREAS, there have been complaints registered by community residents concerning the harboring of numerous cats and/or dogs on near-by residential properties;

WHEREAS, such complaints testify to the fact that numerous cats and dogs are destructive of the real and personal properties of the animals' owner and of other persons possessing property in the neighborhood;

WHEREAS, cats and dogs constitute a potential health hazard to human beings; when uncontrolled, they effect social conflict between neighbors; when allowed to run free, they constitute a potential or real danger to children and adults, and to all forms of wildlife, including songbirds and other desirable life forms;

WHEREAS, cats and dogs in excess numbers effect offensive odors that emanate from the harboring properties to other neighboring properties and such odors detract from the neighbors' value and enjoyment of their homes for which residential neighborhoods are created and protected under the Town's zoning codes;

WHEREAS, in order to preserve the public health, safety and welfare of community residents; to protect residential properties from damage and degradation; to allow for the peaceful enjoyment of residential properties; and to preserve domestic tranquility and social order within the community; and

WHEREAS, the Board of Trustees has the authority pursuant to C.R.S. 31-4-301 to adopt legislation to provide for the common health, safety, and welfare of the residents of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO that:

1. The title of Chapter 15, Article 2 shall be amended to read: "Cats and Dogs".
2. Section 15-2-1 Definitions shall be amended to include the following terms and definitions:
 - a. "Cat means a domestic feline of either sex, including one neutered or sterilized."
 - b. "Harboring means the act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter or care."
 - c. "Noncommercial kennel means any premises where more than three (3) dogs or three (3) cats or a total of four (4) dogs and cats are kept, excluding offspring belonging to one of the adult animals not exceeding four (4) months of age, are harbored for any purpose."
 - d. "Owner means any person who has right of property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of seventy-two (72) hours or longer, claims responsibility for an animal or is documented on paper as the responsible party for an animal."
2. Section 15-2-2 shall be amended to read: "Rabies Vaccination No person shall own or harbor any cat or dog over the age of three (3) months unless the animal has been vaccinated against rabies by a licensed veterinarian according to the following schedule:
 - * Primary Vaccination at three (3) months;
 - * First Booster at one (1) year and three (3) months; and
 - * Follow-up boosters at every two (2) or three (3) year intervals thereafter, in accordance with the type of vaccine used.
3. Section 15-2-3 shall be amended to read: "License Fees and Fines (a) As soon as a dog or cat has been vaccinated as set forth in 15-2-2, the owner shall present the certificate of vaccination to the Town Clerk at Town Hall. The Town Clerk shall issue to the owner an animal license evidenced by a metal tag. The metal tag shall have stamped on it the year it is valid for and an identification number. The owner shall pay to the Town a license fee according to the following schedule:
 - * \$ 5.00 for animals over the age of three (3) months and less than one (1) year;
 - * \$ 5.00 for a neutered male or spayed female over the age of one (1) year; and
 - * \$10.00 for an unneutered male or unspayed female over the age of one (1) year.

A veterinarian's certificate of spay or neuter will be required to qualify for the lower rate.

"All owners will apply for renewal of an existing animal license prior to January 31st of each year. All previously issued licenses will expire on December 31st of the year for which the license was purchased. If a metal tag is lost or destroyed, the Town Clerk will issue a duplicate for the remainder of the year in which the original license was purchased for the fee of one dollar (\$1.00).

"The Town Clerk shall keep a record of all licenses issued. All owners of dogs and/or cats shall be required to obtain a license for their dog if they reside continually in the Town for a period of thirty (30) days and the animal is over the age of three (3) months.

"(b) Any owner found to be in violation of this section shall be subject to the following fine schedule:

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| * Animals over the age of three (3) months and less than one (1) year | \$25.00 |
| * Neutered male or spayed female over the age of one (1) year | \$25.00 |
| * Unneutered male or unspayed female over the age of one (1) year | \$30.00" |

4. Section 15-2-4 shall be amended to read: "Collar and Tags (a) Every owner of a dog or cat shall place upon the animal a collar or harness made of durable material, to which the metal animal tag issued by the Town of Silverton shall be affixed. No animal shall wear a license tag issued to another animal.

"(b) Any owner found to be in violation of this section shall be subject to a fine of \$20.00.

5. Section 15-2-5 shall be amended to read: "Dogs or Cats Running-at-Large and Fines (a) It shall be a violation of this section for any owner of any dog or cat to permit such dog or cat to run-at-large within the Town of Silverton, Hillside Cemetery, Kendall Mountain Recreation Area, or Molas Lake Park. For the purpose of this section a dog or cat shall be declared to be running-at-large when it is off the residential or business premises of its owner or a member of the owner's immediate family, except that a dog, restrained by leash or cord or chain not more than ten (10) feet in length and under the physical control of the owner or other person having control of said dog, shall not be declared to be running-at-large. If a dog or cat is found to be at-large in the Town of Silverton, Hillside Cemetery, Kendall Mountain Recreation Area, or Molas Lake Park, the owner or keeper shall be presumed to have violated this section.

"(b) Any owner found to be in violation of this section shall be subject to the following fine schedule:

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| * 1 st offense within any 12 month time period | \$ 25.00 |
| * 2 nd offense within a 12 month time period following the 1 st offense | \$ 50.00 |
| * 3 rd offense within a 12 month time period following the 2 nd offense | \$100.00+ |
| * For each and every offense within any 12 month time period following either the 3 rd offense or any offense thereafter occurring within 12 months of a prior offense | \$300.00+ |
- (+ and/or 90 days in jail and mandatory court appearance)

"(c) Any time a dog or cat is picked up and transported to the animal pound and kept there, a fee will be imposed. That fee will be \$10.00 for pick-up. This fee will be added along with any fines imposed in any previous section."

6. Section 15-2-7 shall be amended to read: "Establishment of an Animal Pound The Town Board shall have the right to establish an animal pound for the confinement of dogs and/or cats to be operated by Town personnel. The Town Board may contract with a public or private person or organization for the operation of the animal pound for the Town of Silverton."
7. Section 15-2-8 shall be amended to read: "Impoundment It shall be lawful for the animal control officer or any police officer to impound any dog or cat which is in violation of this article. It shall be lawful for any animal control officer or any police officer to go upon private property for the purpose of catching any dog or cat to be impounded. If the animal is licensed, reasonable diligence shall be exercised by the animal control officer or police officer to locate the owner of said animal. If the owner is located within a reasonable time, the animal shall be returned to the owner with an appropriate citation issued and no impoundment is necessary. If the owner cannot be located within a reasonable time or is unknown, the animal shall be impounded."

8. Section 15-2-9 shall be amended to read: "As soon as possible after a dog or cat is impounded, it shall be the responsibility of the impounding officer to post a written notice of impoundment. This notice shall include the time, date, and location from which the animal was picked-up and a description of the animal. One notice shall be posted at the post office and the other at Town Hall in a conspicuous location. This notice shall remain posted for at least 120 hours after its initial posting."
9. Section 15-2-10 shall be amended to read: "Redemption Fees Any owner of a dog or cat desiring to redeem said animal from the pound shall pay the following fees:
 - * \$10.00 per day for animals impounded from the Town of Silverton;
 - * \$10.00 per day for animals impounded from outside the Town of Silverton.If the fees are not paid before the court date written on the summons, the municipal judge shall require the owner to pay the fees. These fees shall not be construed to be in place of any fines to be levied by the Municipal Judge, but charged in addition to such fines."
10. Section 15-2-12 shall be amended to read: "Authorization to Dispose of Dog or Cat If the owner of a dog or cat does not want to reclaim said animal after impoundment, the owner will be allowed to sign an Animal Disposal form authorizing the animal to be immediately removed from the pound and taken to an animal shelter for disposal. All ownership rights are given up, and the person signing the Animal Disposal form shall pay the Town a disposal fee of one hundred dollars (\$100.00) plus the actual costs charged to the town for disposal of the animal."
11. Section 15-2-13 shall be amended to read: "Disposal of Dog or Cat Whose Owner Cannot be Located If the owner of an impounded dog or cat is not known and/or such animal is not claimed within 120 hours of the time of impoundment, the animal may be disposed of by transporting it to an animal shelter or other designated facility."
12. Section 15-2-15 shall be amended to read: "Confinement of a Dog or Cat that has Bitten a Person The animal control officer or any police officer shall be immediately notified by any victim or the owner of a dog or cat which is suspected of or which has actually bitten a person. The responding officer will verify that the animal has been vaccinated for rabies. If the owner cannot prove vaccination, the animal will be impounded at an animal shelter or suitable veterinary facility for observation for a period of ten days. Any costs incurred by such impoundment will be paid by the owner of the subject animal."
13. A new Section 15-2-23 is added to read: "Limit on Number of Dogs and Cats and Fines (a) It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one (1) dwelling unit more than three (3) dogs or three (3) cats or a total of four (4) dogs and cats, excluding offspring belonging to one of the adult animals not exceeding four (4) months of age, unless the owner or person in charge thereof shall have obtained a noncommercial kennel license.

“(b) In the event that a household has more than three (3) dogs or three (3) cats or more than a total of four (4) dogs and cats, excluding offspring belonging to one of the adult animals not exceeding four (4) months of age, at the time this section becomes effective, the owner thereof shall be granted a period of six (6) months from the effective date of this section to relocate animals which are in excess of the above specified limit(s), or to secure a non-commercial kennel license, and to otherwise come into compliance with all the provisions of this article.

“(c) It shall be lawful for the animal control officer or any police officer to capture, impound, and dispose of any dog or cat, which is harbored in excess of the above specified limits or in excess of the limits specified in the owner’s noncommercial kennel license, in accordance with the provisions of this article. If any person is harboring dogs and/or cats in excess of the allowed numbers, the owner thereof shall be presumed to be in violation of this section, and the animal control officer or any police officer is authorized to capture and impound any dogs or cats associated with the owner’s offending premises until the number of animals on the subject premises no longer exceeds the applicable limit(s). Whenever an animal is impounded pursuant to this section, the impounding officer shall notify the animal’s owner of the impoundment and issue citations for any and all violations of this article, and the owner shall be granted a period of 120 hours to exchange another live

cat or dog, harbored by the offending owner, for the impounded animal, provided that the owner properly executes an Animal Disposal form and pays the appropriate impoundment and disposal fees.

“(d) Any owner found to be in violation of this section shall be subject to the following fine schedule:

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| * 1 st offense within any 12 month time period | Warning Citation |
| * 2 nd offense within a 12 month time period following the 1 st offense | \$ 25.00 |
| * 3 rd offense within a 12 month time period following the 2 nd offense | \$ 50.00 |
| * 4 th offense within a 12 month time period following the 3 rd offense | \$100.00+ |
| * For each and every offense within any 12 month time period following either the 4 th offense or any offense thereafter occurring within a 12 month time period of a prior offense | \$300.00+ |
- (+ and/or 90 days in jail and mandatory court appearance)”

14. A new section 15-2-24 is added to read: “Noncommercial Kennel License (a) Application for a noncommercial kennel license shall be made to the Town Clerk’s Office and must be accompanied by the written consent to such noncommercial kennel by at least seventy-five percent (75%) of all the persons in possession of premises within three hundred (300) feet of the premises upon which such noncommercial kennel is to be maintained, and accompanied by a kennel license fee of ten dollars (\$10.00) for four (4) dogs or four (4) cats or five (5) cats and dogs, and an additional one dollar (\$1.00) for each dog or cat over four (4) dogs or four (4) cats or five (5) dogs and cats. The application shall state the name and address of the owner, where the noncommercial kennel is to be kept, and the number of dogs and/or cats to be kept. In addition, the owner shall properly vaccinate, license and tag each individual animal to be harbored pursuant to the noncommercial kennel license prior to the time the license is issued.


“(b) Whenever additions are made to the number of dogs or cats for which a noncommercial kennel license has been issued, the licensee shall within three (3) days file a new license application to revise the number of dogs and/or cats to be kept, and within thirty (30) days file the written consent of at least seventy-five (75%) of all the persons in possession of premises within three hundred (300) feet of the premises upon which the noncommercial kennel is to be maintained and pay the required license fee; provided, however, that whenever puppies or kittens are born, such puppies or kittens shall not be counted as additions until they are at least four (4) months old.

“(c) Noncommercial kennel licenses shall not be transferable and shall expire one (1) year after the date issued. The Licensee shall be responsible for re-applying for a noncommercial kennel license each year in a timely manner so as to avoid any lapse in possessing a valid kennel license.”

ADOPTED this 10th day of SEPTEMBER, 2001.

ATTEST:

TOWN OF SILVERTON, COLORADO


Deanna M. Jaramillo
Clerk-Treasurer


Ernest F. Kuhlman
Mayor